The Examiner has rejected Claims 1, 2 and 4-24 under 35 USC 103 as being unpatentable over Michaels (A), Schoenwald et al. (F), Schoenwald et al. (E), Samejima et al. (H) and Heath et al. (R), for the reasons set forth on pages 5-7 of the Office Action of August 3, 1988. Applicants respectfully traverse the rejection.

The Examiner has indicated that the data in the Declaration of Larry Bruce, submitted with the Supplemental Amendment on March 16, 1989 is limited to a specific active ingredient, specific amount and a specific cation exchange resin, but that the claims are not so limited. The Examiner has stated the data are not commensurate in scope with the claims.

In order to move this case to allowance, Applicants have amended the claims to set forth only one active ingredient, betaxolol, which falls within the definition of a beta-blocker set forth in the Specification. In addition, the claims have been amended to set forth sodium poly(styrene-divinylbenzene) sulfonic acid as the cation exchange resin.

Data presented in the Declaration of Larry Bruce set forth comparative tests between a 0.25% betaxolol suspension and a 0.5% betaxolol solution in order to demonstrate the sustained release and improved comfort of the claimed compositions. The Specification sets forth a beta-blocker range of 0.01 to 4.0% (page 4) and includes specific examples calling for various betaxolol concentrations ranging

from 0.25 to 1.0% (pp. 8 and 9). The independent claims as amended, require a "therapeutically effective amount of betaxolol." Applicants submit that these amended claims, in addition to the dependent amended claims setting forth concentration ranges of 0.01 to 4.0 wt.%, and specific concentrations of 0.25 wt.% are commensurate in scope with the disclosure and specifics of the Declaration.

Wherefore, Applicants' claims are now in condition for allowance and notice thereof is respectfully requested.

Respectfully submitted,
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Date: Oct. 20, 1989

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